

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6293

BILL NUMBER: HB 1370

NOTE PREPARED: Nov 27, 2005

BILL AMENDED:

SUBJECT: Special Prosecutors and Inspector General.

FIRST AUTHOR: Rep. Van Haaften

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill permits the Chief Judge of the Court of Appeals to appoint a special prosecuting attorney to investigate or prosecute a matter within the competence of the Inspector General if a conflict of interest, the appearance of impropriety, or the possible commission of a crime would disqualify the Inspector General. It requires the special prosecuting attorney to be an elected prosecuting attorney or a chief deputy prosecuting attorney. It gives the special prosecuting attorney investigative and prosecutorial powers similar to those of the Inspector General. It makes conforming amendments.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill could increase costs in the Inspector General budget for special prosecutor salary per diem, special deputies, travel, and reasonable accommodation expenses. The total cost will depend on whether the Chief Judge of the Court of Appeals accepts verified petitions brought before the court and assigns a special prosecuting attorney. Also, since the special prosecuting attorney will be from a county other than the county of investigation, the distance between locations could be a factor.

The Inspector General's Office would reimburse a county treasurer a per diem for special prosecutor services. The annual salary for a full-time prosecuting attorney is \$110,500, while the salary of a chief deputy is \$82,875. Assuming 260 work days a year, the per diem would be about \$425 for a prosecuting attorney and \$319 for a chief deputy.

Depending on the success of the special prosecuting attorney, this bill may allow special prosecutors to recover more state funds that were misspent or misused.

The Inspector General Office was appropriated \$2.29 M for both FY 2006 and FY 2007 from the state General Fund.

Explanation of State Revenues: The bill permits the Attorney General or, in certain circumstances, the special prosecuting attorney, to file civil actions or criminal forfeitures.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Court of Appeals; Inspector General; Attorney General.

Local Agencies Affected: Prosecuting Attorneys.

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.